

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

-----	X	
	:	
In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
-----	X	

**APPELLANT CITY OF DETROIT’S STATEMENT
OF ISSUES AND DESIGNATION OF ITEMS TO
BE INCLUDED IN THE RECORD ON APPEAL**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, appellant, the City of Detroit (“City”) submits this statement of issues and designation of the contents of the record in connection with its Notice of Appeal, filed on January 3, 2014 (Doc. No. 2375), from the Order of Bankruptcy Judge Honorable Steven W. Rhodes entered in this case on November 6, 2013 (Doc. No. 1536).

Statement of Issues

1. Whether the Bankruptcy Court erred in determining that, even should Catherine Phillips, et. al, (the “Phillips Plaintiffs”) obtain a ruling from the District Court that the Local Financial Stability and Choice Act, Michigan Public Act No. 436 (2012), MCL §§ 141.1541–141.1575 (“P.A. 436”) is facially unconstitutional, void *ab initio*, and thus unenforceable as if it had never been passed, Kevyn Orr’s

appointment as emergency manager for the City of Detroit would remain unaffected and his authority under PA 436 would be undiminished absent further proceedings in the Bankruptcy Court?

2. Whether the Bankruptcy Court erred in implicitly finding that the amended complaint submitted by the Phillips Plaintiffs as an exhibit to their reply to the State of Michigan's Motion for Reconsideration (Dkt. No. 1745) "eliminate[d the Phillips Plaintiffs'] request for the removal of the Detroit emergency manager and for any other relief that diminishes the Detroit emergency manager's authority under P.A. 436[?]"

3. Whether the Bankruptcy Court thus erred in determining that the Phillips Plaintiffs' proposed amendment to their complaint "removes the *Phillips* case from the effect of the July 25, 2013 order"?

Designation of Items

Appellant designates items from the Bankruptcy Court docket to be included in the record on this appeal to the United States District Court for the Eastern District of Michigan, as listed on the Appendix, attached hereto.

Dated: January 17, 2014

Respectfully submitted,

By: /s/Timothy A. Fusco
Jonathan S. Green (P33140)
Stephen S. LaPlante (P48063)
Timothy A. Fusco (P13768)
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.
150 West Jefferson
Suite 2500
Detroit, Michigan 48226
Telephone: (313) 963-6420
Facsimile: (313) 496-7500
green@millercanfield.com
laplante@millercanfield.com
fusco@millercanfield.com

David G. Heiman (OH 0038271)
Heather Lennox (OH 0059649)
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
Telephone: (216) 586-3939
Facsimile: (216) 579-0212
dgheiman@jonesday.com
hlennox@jonesday.com

Bruce Bennett (CA 105430)
JONES DAY
555 South Flower Street Fiftieth Floor
Los Angeles, California 90071
Telephone: (213) 243-2382
Facsimile: (213) 243-2539
bbennett@jonesday.com

ATTORNEYS FOR THE CITY OF DETROIT